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SUBJECT: AMBASSADOR RICE'S SEPTEMBER 16 MEETING WITH
ISRAELI DEPUTY FOREIGN MINISTER AYALON AND
SECRETARY-GENERAL'S COMMENTS AT SECURITY COUNCIL LUNCH ON
GOLDSTONE REPORT

Classified By: Ambassador Susan E. Rice for reasons 1.4 (b) and (d).

¶1. (S) Summary: Ambassador Rice met with Israeli Deputy Foreign Minister Ayalon on September 16, the day after the release of the Goldstone report on violations of human rights law and international humanitarian law during the Gaza conflict. Ayalon termed the report "outrageous" and said it gave Hamas a "free pass" on weapons smuggling into Gaza. He pressed for U.S. leadership in response to the report. Ambassador Rice responded that the USG is still studying the report, remains concerned about the fact-finding mission's mandate and many of the recommendations in the report. She urged Ayalon to help us help them with progress on the peace process, saying that the report can be more easily managed if there is progress. Ayalon also described Israeli Prime Minister Netanyahu's recent visit to Moscow concerning the S-300 system and said the Israeli government had told the Russians that the transfer of the system to Iran would be destabilizing to the region and could precipitate action. After the meeting, Ambassador Rice hosted the Security Council's monthly lunch with the Secretary-General at which the Secretary-General informed Council Perm Reps that his staff was reviewing the report and he planned to engage the Council on further courses of action. Both the UK and Russian Perm Reps questioned Goldstone's decision to release the report in New York. End Summary.
Goldstone Report

¶2. (C) Ambassador Rice met with Israeli Deputy Foreign Minister Ayalon, at his request, on September 16, the day after the release of Justice Goldstone and the fact-finding mission's report on violations of human rights law and international humanitarian law during the Gaza conflict. Ayalon, accompanied by Israeli Perm Rep Shalev, Deputy Perm Rep Carmon, Ayalon Advisor David Segal, and his Chief of Staff Klarina Shpitz, termed the report "outrageous" and said that everyone is looking for U.S. leadership on a response to it. He criticized the fact-finding commission as "hardly representative of the international community" and said that the report gives Hamas a "free pass" on continued weapons smuggling into Gaza. He questioned why Goldstone had to release the report on the first day of the 64th session of the General Assembly in New York, given ongoing efforts on the peace process. He noted that the Israeli mission in Geneva only received an official copy of the report "seconds" before Goldstone's press conference in New York on September ¶15. Ayalon offered his personal opinion that Goldstone may have sought the New York stage for his press conference because he has ambitions for a seat on the International Court of Justice. Ayalon said that he hoped that the Palestinians would not seek to try to use the Goldstone report in terms of the peace process since that would "derail things."

¶3. (C) Ambassador Rice responded that the USG is studying the Goldstone report, that we remain concerned with the fact-finding mission's mandate and many of the recommendations in the report, and that we will stay in close touch with the GOI as we move forward in Geneva and elsewhere in response to the report. She underscored that the USG's main focus is on the peace process and that we are working towards progress next week to restart talks. She stressed

that among the best means to deflect and contain the Goldstone report is demonstrable and early progress on the peace process. She also raised that whatever the GOI can do internally to emphasize its own judicial processes and investigations would be helpful. In terms of next steps, Ambassador Rice opined that she could not foresee a scenario in which the Security Council referred the case to the ICC. However, any member of the Council could well bring the issue up for discussion, though it would likely not be done before the Human Rights Council's discussion on September 29. In Geneva, she referred to the USG's dual aims of countering anti-Israel bias and focusing on genuine human rights concerns. She said she hoped Israel will work with the U.S. on both those aims. In terms of General Assembly action, she noted there was a possibility of such action anytime.

14. (C) Ayalon responded that Israel would like to see a trilateral meeting next week on the peace process, but he voiced concern that the Arabs might "overplay their cards" and demand more. Ambassador Rice noted that what happens in New York is often not reflective of the reality out in the region, though the Administration is trying to make it more reflective of actual events on the ground. She asked Ayalon directly to "help me help you." She underscored that the Goldstone report will not go away but it can be more easily managed if there is positive progress on the peace process. Israeli-Russian discussion of transfer of S-300 to Iran

15. (S) Ayalon noted general Israeli government disappointment with the Russians, in response to which Ambassador Rice raised Prime Minister Netanyahu's recent visit to Moscow. Ayalon responded that it was to discuss "the S-300" and Iran since the GOI is against the sale. Ayalon said that the Prime Minister was pressing Russia not to deliver the system and noted that the Russians had told the GOI two years ago that it would not sell Iran the system. Ayalon emphasized that while the Russians argue that sale of the S-300 is in the interest of stability in region, the transfer of the system itself would actually be destabilizing to the region and could precipitate action. He said that the Russians continue to try to reassure the GOI that Iran will not go nuclear, while the GOI has firmly stressed its support of the USG's plan on Iran. Ayalon opined that the Russians may think they have the Iranians on a short leash or that they have corresponding energy interests with Iran vis a vis the Europeans that lead the Iranians to follow the Russian lead. Nevertheless, Ayalon recommended a "tougher U.S. face" to the Russians at the meeting on September 23. Secretary-General plans to engage Security Council on Goldstone report

16. (C) Immediately after Ambassador Rice's meeting with Ayalon, Ambassador Rice, as Security Council President for the month of September, hosted the Security Council for its monthly lunch with the Secretary-General. At the lunch, the Secretary-General said he has tasked his staff to provide a detailed review of the report and that he will engage the Security Council on further courses of action. The UK Perm Rep asked the Secretary-General why Goldstone decided to release his report here in New York. The Secretary-General responded that he did not know but would inquire. The Mexican Perm Rep said follow-up on the Goldstone report's recommendations is important but so is diplomatic action on the peace process. The French Perm Rep urged Council members to keep in mind both processes. The Russian Perm Rep said that Goldstone should have released his report in Geneva. He then challenged his Mexican and French colleagues for linking the political developments with human rights issues since France has argued in the past on Darfur that the two should not be linked. Ambassador Rice stressed that the U.S. government, at all levels, is working hard to achieve a breakthrough and have the parties return to negotiations. She stressed that we are at a delicate moment and we have to keep in mind the broader objectives. Israeli mission presses for strong U.S. reaction to report

17. (C) Separately, Israeli Deputy Perm Rep Carmon called Ambassador Wolff to press for a strong U.S. reaction against the Goldstone report. He also expressed concern about linkages between progress on the peace process and the report. Ambassador Wolff responded that the connection was a statement of fact and likely how the Arabs would be looking at the report. It was not a policy position or something we would say in public. Ambassador Wolff said Israel should be drawing the same conclusion from its own assessment -- the more progress there is on the peace process, the less of an issue others will make of the Goldstone report.

RICE